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OPINION	:	No. 82-812
of	:	<u>DECEMBER 16, 1982</u>
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THE HONORABLE GILBERT R. MARGUTH, JR., MEMBER OF THE CALIFORNIA STATE ASSEMBLY, has requested an opinion on the following question:

May a closed-circuit monitoring system (in which a video camera and viewing monitor are connected by cable) be used by a bus operator to observe the passengers located in a trailer vehicle hitched to the bus?

CONCLUSION

A closed-circuit monitoring system (in which a video camera and viewing monitor are connected by cable) may be used by a bus operator to observe the passengers located in a trailer vehicle hitched to the bus.

ANALYSIS

We are informed that a recent development in the public transportation field is the use of the "Articulated Modular Transit Vehicle" (hereafter "AMTV"). In normal operation, it is a bus with a seating capacity of 25 passengers. During peak periods of traffic, however, a similar looking bus of 30 passenger capacity (but without a driver or engine) is hitched with a draw bar to the rear of the vehicle. The system provides the obvious advantages of flexibility and economy of operation.

The bus driver is able to monitor the loading and unloading of passengers, the collection of fares, and the issuance of transfer tokens in the trailer bus by means of a closed-circuit monitoring system. A video camera in the trailer bus is connected by cable to a viewing monitor located in front of the bus operator.

The question presented for analysis is whether use of this electronic monitoring system would violate California law, specifically Vehicle Code section 27602.¹ We conclude that it would not.

Section 27602 states:

"No person shall drive a motor vehicle which is equipped with a television receiver, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

"This section shall not apply to a mobile digital terminal installed in a law enforcement vehicle."

In interpreting section 27602, we are mindful of several principles of statutory construction. The primary rule is to "ascertain the intent of the Legislature so as to effectuate the purpose of the law." (*People v. Davis* (1981) 29 Cal.3d 814, 828.) In determining legislative intent, we first turn to the language used, giving the words their usual and ordinary import. (*California Teachers Assn. v. San Diego Community College Dist.* (1981) 28 Cal.3d 692, 698; *People v. Belleci* (1979) 24 Cal.3d 879, 884.) "Moreover, the various parts of a statutory enactment must be harmonized by considering the particular clause or section in the context of the statutory framework as a whole." (*Moyer v. Workmen's Comp. Appeals Bd.* (1973) 10 Cal.3d 222, 230.)

¹ All section references hereafter are to the Vehicle Code unless otherwise indicated.

Examining the particular words of the statute, we note that a motor vehicle² may not be driven by any person if it has some "means of visually receiving a television broadcast" located in certain areas of the vehicle. By use of the word "other" in section 27602, the Legislature has demonstrated an intent to restrict the viewing prohibition to equipment that receives television broadcasts.

A "television broadcast" is ordinarily considered to refer to the transmission of visual images on electromagnetic waves to an unlimited number of receivers within range capable of reproducing the visual images. (See Webster's New Internat. Dict. (3d ed. 1966) pp. 280, 2351.)

We do not have such an electronic viewing system here. The video camera in the trailer bus is connected to the bus operator's monitor by cable. The camera's images are reproduced only on the driver's monitor, and the monitor receives signals from no other source. In short, no "television broadcast" occurs as that term is normally used.

Moreover, use of the monitoring device by the bus driver allows the bus to be in effective compliance with other provisions of state law. Under sections 34500 and 34501, the Department of the California Highway Patrol is authorized to require various types of equipment on buses as part of its safety regulations. Among the adopted safety requirements is a rule that buses are to be equipped so that the driver has "a clear view of the interior of the vehicle and any rear and center entrance or exit doors and stepwells." (Cal. Admin. Code, tit. 13, § 1257.) The AMTV's monitoring system provides this safety function.

The intended use of the monitoring system brings us to the most important element in interpreting section 27602: its purpose. We do not believe that the Legislature intended by the statutory language to proscribe equipment which aids in the safe operation of motor vehicles. Rather, the reference to television broadcasts is directed at distractions unrelated to the driving operation, such as watching a soap opera or football game on commercial television.

In answer to the question presented, therefore, we conclude that a closed-circuit monitoring system (in which a video camera and viewing monitor are connected by cable) may be used by a bus operator to observe the passengers located in a trailer vehicle hitched to the bus.

² A bus is a motor vehicle as that term is broadly defined in the Vehicle Code. (See §§ 415, 670.)